

REMARKS:Claim Status

Claims 1-19 and 21-37 are pending in the application. Claims 1 and 24 are independent claims. The claim status is as follows:

Currently Amended	1, 19 and 24
Original	2-5, 9-12, 14-15, 17-18, 22-23, 26-28, 30, 32-37
Previously Presented	6-8, 13, 16, 21, 25, 29 and 31
Cancelled	20

The Office Action

The Office Action states that “the Examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate... The Examiner asserts that the information from one or more sets of suppliers relating to one or more contracts and one or more of price, inventory, etc. adds little, if anything, to the claimed acts or steps and thus do not serve as limitations on the claims to distinguish over the prior art.” Applicants respectfully traverse.

The text of claim 1 recites “a database including information from said one or more sets of tiers of suppliers relating to one or more contracts and one or more of the following: price, inventory, delivery schedules, backorders and supply interruptions, exceptional events, and past transactions” and an “order collaboration system further operative to determine contract compliance among the tiers of

suppliers in response to one of the following: price, inventory, delivery schedules, backorders and supply interruptions, exceptional events, and past transactions.”

Here, the “contract” of claim 1 is functional because the order collaboration system is operative to determine contract compliance in response to the listed information.

Without the contract information in the database the order collaboration system would not function as claimed.

Because the contract information is related to the order collaboration system, the applicants respectfully traverse the Office Action’s allegation that “the information from one or more sets of suppliers relating to one or more contracts and one or more of price, inventory, etc. adds little, if anything, to the claimed acts or steps and thus do not serve as limitations on the claims to distinguish over the prior art.”

Claim Rejections

Claims 1-2, 4-7, 17-18, and 24 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong (US 20030149578) in view of Ouchi (US 20030036968) in further view of Beurskens (US 7200572).

Claim 1

The text of claim 1 recites “said order collaboration system operative to transmit a portion of the content of the transitive information to the business entities in response to a security parameter, and said order collaboration system further operative to determine contract compliance among the tiers of suppliers in response to one of the following: price, inventory, delivery schedules, backorders and supply interruptions, exceptional events, and past transactions.” The cited references: Wong,

Ouchi and Beurskens do not disclose the recited text of claim 1. The cited art does not disclose using a security parameter or to transmit a portion of the content in response to a security. The cited art also do not disclose any contract compliance determination or contract compliance among tiers in the system.

Additionally, the references would not teach, suggest or motivate one to effect the recited text of claim 1 because they lack the elements of the text of claim 1. The claimed invention must be considered as a whole and suggest the desirability and thus obviousness of making the combination (see *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462; 221 USPQ 481, 488 (Fed. Cir. 1984)). Obviousness cannot be established merely by combining the teachings of the prior art to produce the claimed invention, absent a teaching, suggestion or motivation supporting the combination (*In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988); see also *In re Laskowski*, 10 USPQ2d 1397 (Fed. Cir. 1989)). The claimed invention is not an application by one of ordinary skill of common sense using obvious techniques and combinations that would have occurred in the ordinary course of development, but one of real innovation. As such, the cited art cannot form the basis for a 35 U.S.C. 103(a) rejection.

Applicants respectfully request allowance of claim 1.

Claims 2, 4-7 and 17-18

Claims 2, 4-7 and 17-18 are dependent from claim 1 and include all the limitations of claim 1. Since claim 1 is allowable and claims 2, 4-7 and 17-18 depend from claim 1, they are also allowable. Applicants request allowance of claim 1.

Claim 24

The text of claim 24 recites “aggregating said data in such a way that said aggregated data is responsive to said request, and responsive to a security parameter; and generating a report and presenting said report to said one or more business entities, wherein said report is responsive to said request, indicates contract compliance and identifies the terms of said contract related to said request.” As discussed above, applicants believe that the cited references: Wong, Ouchi and Beurskens do not disclose the recited text of claim 1. Additionally, the references would not teach, suggest or motivate one to effect the recited text of claim 24.

The Office Action alleges that Beurskens teaches a “database including information from a set of suppliers in a supply chain relating to one or more contracts as well as where a report identifies the terms of said contract related to said request (see at least: col. 5 lines 55-58, col. 6 lines 53-60, col. 10 lines 30-40, Figures IA (server 10), 2, and 4-17).” It appears that Beurskens does not disclose “said report is responsive to said request, indicates contract compliance and identifies the terms of said contract related to said request” because Beurskens does not disclose “contract compliance” as recited in the text of claim 24.

Claim 24 is allowable and applicants respectfully request allowance of claim 24.

Claims 3, 21 and 28-29

Claims 3, 21, and 28-29 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens, as applied to 1-2, 47, 17-18, and 24, and further in view of Katz et al. (US 20020178077).

Claim 3 and 21 are ultimately dependent from claim 1 and include all the limitations of claim 1. Since claim 1 is allowable, claims 3 and 21 are allowable because they include all the limitations of claim 1. Likewise claims 28-29 depend from claim 24 and include all the limitations of claim 24. Claims 28-29 are therefore allowable.

Applicants request allowance of claims 3, 21 and 28-29.

Claims 8-10, 12-15 and 32-37

Claims 8-10, 12-15, and 32-37 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens, as applied to claims 1-2, 4-7, 17-18, and 24, and further in view of Johnson et al. (US 20030023540).

Claims 8-10 and 12-15 are ultimately dependent from claim 1 and include all the limitations of claim 1. Since claim 1 is allowable, claims 8-10 and 12-15 are allowable because they include all the limitations of claim 1. Likewise claims 32-37 depend from claim 24 and include all the limitations of claim 24. Claim 32-37 are therefore allowable.

Applicants request allowance of claims 8-10, 12-15, and 32-37.

Claim 11

Claim 11 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens further view of Johnson as applied to claims 8-10 and 12-15, and in further view of Dutta (US 20030028470).

Claim 11 is ultimately dependent from claim 1 and includes all the limitations of claim 1. Since claim 1 is allowable, claim 11 is allowable because it includes all the limitations of claim 1. Applicants request allowance of claim 11.

Claims 16 and 31

Claims 16 and 31 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens, as applied to claims 1-2, 4-7, 1618, and 24, and further in view of Rivera (US 20020107699).

Claims 16 and 31 are ultimately dependent from claim 1 and claim 24 respectively and include all the limitations of claim the claims from which they depend. Since the claims from which they depend are allowable, claims 16 and 31 are also allowable.

Applicants request allowance of claims 16 and 31.

Claims 19 and 25

Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens, as applied to claims 1-

2,4-7,16-18, and 24, and further in view of Yehia et al. (20020091614, herein referred to as Yehia). Applicants traverse.

Claims 19 and 25 are ultimately dependent from claim 1 and claim 24 respectively and include all the limitations of claim the claims from which they depend. Since the claims from which they depend are allowable, claims 16 and 31 are also allowable.

Applicants request allowance of claims 19 and 25.

Claims 22-23, 26-27, and 30

Claims 22-23, 26-27, and 30 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens, as applied to claims 1-2, 4-7, 16-18, and 24, and further in view of Harm et al. (US 20030040823, herein referred to as Harm). Applicants traverse.

Claims 22-23, 26-27, and 30 dependent claims and include all the limitations of claim the claims from which they depend. Since the claims from which they depend are allowable, claims 22-23, 26-27, and 30 are also allowable.

Applicants request allowance of claims 22-23, 26-27, and 30.

CONCLUSION:

For the reasons stated above, applicants respectfully request that the Examiner's rejections be withdrawn with respect to independent claims 1 and 24 and the claims which depend from them and that this application be passed to allowance.

The Examiner is invited and encouraged to telephone Applicant's Assignee's attorney at (650) 947-0700, with any questions, or with any matter that might assist in bringing this Application to allowance.

Respectfully submitted,

Dated: December 30, 2008

/Peter Tormey/
Peter Tormey
Reg. No. 57,761

The Swernofsky Law Group
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700